

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Thomas R. Goecke**

Confirmation No.: **2438**

Serial No.: **10/674,108**

Art Unit: **1772**

Filed: **September 29, 2003**

Examiner: **Nasser Ahmad**

Title: **PRESSURE SENSITIVE ADHESIVE TAPE
FOR FLOOR MARKING**

Appeal No.: **2008-4501**

Docket No. **5923.0001**


MAIL STOP 8

Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the below-identified papers are being deposited with the United States Postal Service with sufficient postage as "Express Mail," Express Mail No. EH617879182US, on September 15, 2009 in an envelope addressed to Mail Stop 8: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Denise Goldinger


Denise Goldinger

Items enclosed herewith

1. Notice of Appeal
2. Proof of Service
3. Return receipt postcard

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Thomas R. Goecke**

Confirmation No.: **2438**

Serial No.: **10/674,108**

Art Unit: **1772**

Filed: **September 29, 2003**

Examiner: **Nassar Ahmad**

Title: **PRESSURE SENSITIVE ADHESIVE TAPE
FOR FLOOR MARKING**

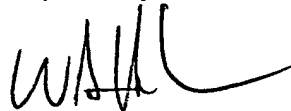
Appeal No. **2008-4501**

Mail Stop 8
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22314-1450

**NOTICE OF APPEAL UNDER 37 C.F.R. § 1.302
TO THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 1.302, applicant Thomas R. Goecke hereby files a Notice of Appeal to the United States Court of Appeals for the Federal Circuit. Applicant seeks review of the Decision on Appeal by the Board of Patent Appeals and Interferences in Appeal No. 2008-4501 on February 19, 2009 and the Decision on Request for Rehearing rendered in the same case on July 16, 2009. This Notice of Appeal is being filed within two months of the date of the Decision on Request for Rehearing, and, therefore, is timely filed by Applicant. A copy of this Notice of Appeal and the requisite docket fee are being filed concurrently with the Clerk of the U.S. Court of Appeals for the Federal Circuit.

Respectfully submitted,



W. Scott Harders
Registration No. 42,629

Date: September 14, 2009

BRENNAN, MANNA & DIAMOND, LLC
75 East Market Street
The Carnegie Building
Akron, OH 44308
330/253-3715 (direct telephone)
330/253-3745 (direct facsimile)

PROOF OF SERVICE

State of Ohio)
)
City of Akron, County of Summit) ss:

I am employed in the City of Akron, County of Summit, Ohio. I am over the age of 18 and not a party of the within action. My business address is 75 East Market Street, The Carnegie Building, Akron, Ohio 44308.

On September 15, 2009, I served the foregoing documents described as:

**NOTICE OF APPEAL UNDER 37 C.F.R. § 1.302 TO
THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

on the interested parties in this action by placing a true copy thereof in a sealed enveloped addressed as follows:

Mail Stop 8
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22314-1450

and

United States Court of Appeals for the Federal Circuit
Room 401
717 Madison Place, N.W.
Washington, D.C. 20439

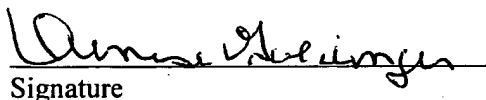
I am employed in the office of a member of the bar of this Court at whose direction the service was made. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. This practice is as follows: In the ordinary course of business, items to be mailed are collected and deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Akron, Ohio. The aforementioned envelope was placed for collection and mailing on this date under said practice. I am aware that on the motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 15, 2009, at Akron, Ohio.

Denise Goldinger

Printed Name



Signature